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Docket No.: **35053.006**  
Date: **May 4, 2006**

In re application of **Mark E. Phillips et al.**  
Application No.: **09/975,748**  
Filed: **October 10, 2001**  
For: **SYSTEM AND METHOD FOR MUSICAL PLAYLIST  
SELECTION IN A PORTABLE AUDIO DEVICE**

MAIL STOP PETITIONS  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Sir:

Transmitted herewith is **an amendment** in the above-identified application.

☐ A Petition for an Extension of Time for one month is enclosed.

☒ No additional claim fee is required.

☒ The fee has been calculated as shown.

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST PREV. PAID FOR	PRESENT EXTRA
TOTAL	* <b>20</b>	MINUS	** <b>20</b>	
INDEP.	* <b>3</b>	MINUS	*** <b>3</b>	
[ ] FIRST PRESENTATION OF MULTIPLE CLAIMS				
PETITION TO REVIVE				
TOTAL ADDITIONAL FEE				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
	\$ 750
	\$ 750

OR

OTHER THAN A SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
	\$
	\$

OR

TOTAL

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

☐ Please charge my Deposit Account No. 50- in the amount of \$   . A duplicate copy of this sheet is enclosed.

☒ A check in the amount of \$ **750** is attached.

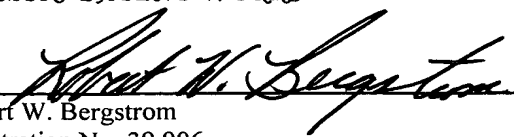
☒ The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-. A duplicate copy of this sheet is enclosed.

☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,  
**Mark E. Phillips et al.**

OLYMPIC PATENT WORKS PLLC

  
Robert W. Bergstrom  
Registration No. 39,906



PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to MAIL STOP AMENDMENT Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

5-4-06  
Date

Joanne Bourguignon  
Joanne Bourguignon

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark E. Phillips et al.  
Application No.: 09/975,748  
Filed: October 10, 2001  
Title: SYSTEM AND METHOD FOR MUSICAL PLAYLIST  
SELECTION IN A PORTABLE AUDIO DEVICE  
Examiner: Marlon T. Fletcher  
Art Unit: 2837  
Docket No.: 35053.006 (new)  
Date: May 4, 2006

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

INTRODUCTORY COMMENTS

Sir:

In response to the Office Action dated August 28, 2002, please find enclosed a Petition to Revive and fee. Please amend the application as follows: